Amendments to the Drawings:

The attached sheet of drawings includes changes to FIG. 4. This sheet, which includes FIGs. 3-4, replaces the original sheet including FIG.s 3-4.

REMARKS

Claims 15-28 are pending in the present application. Claims 15, 19-20, and 24-28 were amended to improve form. No new matter was introduced as a result of the amendments. Entry of the amendments and favorable reconsideration is respectfully requested.

The drawings were objected to for informalities. Specifically, FIGs. 2-3 were objected to as allegedly having no reference characters. Regarding FIG. 2, Applicant points out that the drawing meets all of the requirements of 37 C.F.R. §1.81 and §1.83. FIG. 2 illustrates the replacement of character strings of type names, and is further described in paragraphs [0030-33] in the amended specification. Regarding FIG. 3, the drawing indeed contains references, where type "A" is shown, along with derived types "AA", "AB" and "AC", along with type codes (TC). Likewise, type "AB" is illustrated as having derived types "ABA" and "ABB". Regarding FIG. 4, the Office Action cites a multitude of stylistic objections that are not supported by the MPEP. Nevertheless, in an effort for further clarify FIG. 4, and to progress prosecution, Applicant has amended FIG. 4 and the specification to include specific reference numbers. Withdrawal of the objections is earnestly requested.

The Specification was also objected to for alleged informalities. Specifically, the Office Action states that an improper hyperlink and/or executable code was embedded within the text (page 5). After carefully reviewing the specification (i.e., the preliminary amendment dated January 18, 2005), Applicant cannot find any embedded hyperlinks in the disclosure. Applicant has amended the Abstract to remove reference to "the present invention". Withdrawal of the objections is earnestly requested.

The claims were objected to for informalities. In light of the present amendments to the claims, Applicant submits the objectionable matter has been addressed. Withdrawal of the objections is earnestly requested.

Claims 15, 20, 25 and 27 were rejected under 35 U.S.C. §101 and §112 as allegedly claiming recitation of a use, without setting forth any steps involved in the process. Applicant respectfully traverses this rejection. The basis for this rejection appears to be grounded in MPEP 2173.05(q), which recites in pertinent part:

> Attempts to claim a process without setting forth any steps involved in the process generally raises an issue of indefiniteness under 35 U.S.C. 112, second paragraph. For example, a claim which read: "A process for using monoclonal antibodies of claim 4

to isolate and purify human fibroblast interferon." was held to be indefinite because it merely recites a use without any active, positive steps delimiting how this use is actually practiced. *Ex parte Erlich*, 3 USPQ2d 1011 (Bd. Pat. App. & Inter. 1986).

Other decisions suggest that a more appropriate basis for this type of rejection is 35 U.S.C. 101. In *Ex parte Dunki*, 153 USPQ 678 (Bd. App. 1967), the Board held the following claim to be an improper definition of a process: "The use of a high carbon austenitic iron alloy having a proportion of free carbon as a vehicle brake part subject to stress by sliding friction." In *Clinical Products Ltd. v. Brenner*, 255 F. Supp. 131, 149 USPQ 475 (D.D.C. 1966), the district court held the following claim was definite, but that it was not a proper process claim under 35 U.S.C. 101: "The use of a sustained release therapeutic agent in the body of ephedrine absorbed upon polystyrene sulfonic acid." (emphasis added)

Applicant submits that such "use" claims are inapplicable to the present application. Applicant notes that the "use" claims covered in MPEP 2173.05(q) relate to recitations in the preamble of the claim, where the body of the claim does not set forth any steps related to the use. In the present application, no such recitations are found - each claim recites a proper method/device/system, where any performed steps or features are recited in the body each claim. In light of the above arguments and the present amendments, Applicant earnestly requests withdrawal of the rejections.

Claims 15, 19-20 and 24-28 were rejected under 35 U.S.C. §103(a) as being unpatentable over Seyrat (FR 2 813 743) in view of Seyrat et al. ("Text of ISO/EIC FCD 15938-1 Information Technology - Multimedia Content Description Interface - Part 1 Systems) (hereinafter "ISO").

Claims 16 and 21 were rejected under 35 U.S.C. §103(a) as being unpatentable over Seyrat in view of ISO, and further in view of Sperberg-McQueen ("Canonical XML forms for post-schema-validation infosets: A preliminary reconnaissance").

Claims 17, 18, 22 and 23 were rejected under 35 U.S.C. §103(a) as being unpatentable over Seyrat in view of ISO, and further in view of Girardot et al. ("Millau: an encoding format for efficient representation and exchange of XML over the web"). Applicant respectfully traverses these rejections.

Specifically, the prior art, alone or in combination, fails to teach or suggest the features of "b) encoding the normalized XML schema using a metaschema; c) transmitting the encoded

XML schema in a first bit stream; d) generating an encoded XML document by encoding the XML document using the normalized XML schema; and e) transmitting the encoded XML document in a second bit stream, wherein the first and second bit streams are provided for reception for a decoder" as recited in independent claim 15, and similarly recited in independent claims 20, 25 and 27. Since XML schemas for their part include XML documents based on a standardized syntax definition, specifically what is referred to as a "schema for schemas" (see, e.g., W3C specification), which virtually represents a metaschema, a schema also may be encoded and transmitted with the aid of a BiM method described in the present disclosure.

Regarding Seyrat, Applicant notes that, for the sake of simplicity, French patent FR 2813743 will not be referenced in this response. Instead, US Publication 2004/0013307, which appears to be a US analog to the French patent, will be used instead. It is believed that the US publication contains the same disclosure for the purposes of the present examination.

Seyrat does not disclose the encoding of a normalized XML schema using a metaschema. Seyrat discloses method for compressing and decompressing a structured document associated with at least one tree structure schema defining a structure of the document and including nested structure elements representing data sets, where the structure elements are distributed in three categories: structured root elements broken down into (1) structured or (2) unstructured groups of elements and (3) base elements corresponding to the lowest level elements in the structure, where each base element and root element is associated with an information type ([0010]). With regard to compression ([0011]), the method includes the steps of (1) performing a syntactic analysis of the document's structure schema (XML schema) and normalizing it so as to obtain a single predefined sequence of the structure elements of the schema, (2) *compiling the normalized structure schema to obtain one finite automaton per root element*, each automaton including states interconnected by transitions respectively representing the structure elements, and (3) compressing the structured document including executing the finite automata on the document ([0012-14]).

Here, Seyrat generates finite automata using a structured schema that is used only for compressing the structured document (see [0015]). While the compression involves "encoding" of an XML document, it does not encode the on the basis of another schema (i.e. metaschema), and transmit the encoded schema. Seyrat additionally discloses that the structured schema or the normalized schema or the finite automata may be transmitted (see [0019]). None of the other
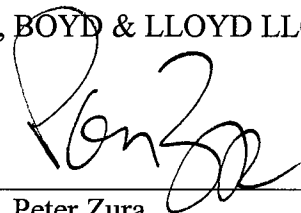
cited references solve the deficiencies of Seyrat, discussed above. For at least these reasons, Applicant submits the rejection is traversed and should be withdrawn.

Accordingly, Applicants respectfully request that a timely Notice of Allowance be issued in this case. If any additional fees are due in connection with this application as a whole, the Examiner is authorized to deduct such fees from deposit account no. 02-1818. If such a deduction is made, please indicate the attorney docket no. (0112740-1052) on the account statement.

Respectfully submitted,

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